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EXAMINER

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2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/748,686	<b>Applicant(s)</b> GADKARI ET AL.	
	<b>Examiner</b> James Sheleheda	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13, 19-22 and 33-49 are rejected under 35 U.S.C. 102(b) as being anticipated by the ATVEF specification (ATVEF) (v1.1 r26 published 02/02/99).

As to claim 1, ATVEF discloses a method comprising:

(a) sending a first announcement (announcements broadcast to a client; page 28, lines 3-10) including first identifying information (session ID identifying the announcement for a program; page 14, lines 8-13);

(b) sending a first content item (page 28, lines 3-10 and lines 20-31) associated with the first announcement (page 28, lines 3-25);

(c) sending a second announcement (page 28, lines 3-10 and lines 43-46) including the first identifying information (session ID identifying the announcement for a program; page 14, lines 8-18);

(d) sending a second content item (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) associated with the second announcement (page 28, lines 3-25).

As to claim 2, ATVEF discloses wherein:

the first and second announcements comprise first and second ATVEF announcements, respectively (wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the first and second content items comprise first and second ATVEF content items, respectively (wherein the content items are in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support).

As to claim 3, ATVEF discloses:

- (e) sending a first ATVEF trigger item (page 28, lines 3-10 and lines 27-31); and
- (f) sending a second ATVEF trigger item (page 28, lines 48-50).

As to claim 4, ATVEF discloses wherein:

the (a) sending further comprises the first announcement further including first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**);

the (c) sending further comprising the second announcement further including second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) which is different from the first non-identifying information (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50).

As to claim 5, ATVEF discloses wherein:

the first and second announcements comprise first and second ATVEF announcements, respectively (wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the first and second content items comprise first and second ATVEF content items, respectively (wherein the content items are in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support); and

the method further comprises,

(e) sending a first ATVEF trigger item (page 28, lines 3-10 and lines 27-31), and

(f) sending a second ATVEF trigger item (page 28, lines 48-50).

As to claim 6, ATVEF discloses:

wherein the first announcement is a most up-to-date version of an announcement (if the version has not changed then the first announcement will still be the most up to date; page 14, lines 8-18).

As to claim 7, ATVEF discloses:

sending a plurality of variants of the first announcement (announced variants of a primary enhancement; page 16, lines 9-15) each including same first identifying information (session ID; page 14, lines 8-13) and different variants of the first non-

identifying information (variations in the language of the enhancement; page 16, lines 9-15); and

sending a plurality of variants of the second announcement (announced variants of a primary enhancement; page 16, lines 9-15) each including same first identifying information (session ID; page 14, lines 8-13) and different variants of the second non-identifying information (variations in the language of the enhancement; page 16, lines 9-15).

As to claim 8, ATVEF discloses

including a first version identifier in the first announcement (page 14, lines 13-17); and

including a second version identifier in the second announcement (newer version indicating the message has changed; page 14, lines 13-17), the second version identifier being greater than the first version identifier to cause a receiver to accept the second content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17).

As to claim 9, ATVEF discloses a method for a sender to preempt content of a first presentation with a second content at a receiver comprising:

the sender sending a first announcement (announcements broadcast to a client; page 28, lines 3-10) which includes first identifying information (session ID identifying

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the announcement for a program; page 14, lines 8-13) and first non-identifying information (such as version number; page 14, lines 8-18);

the receiver accepting the first announcement (page 28, lines 12-25);

the sender sending the content of the first presentation (page 28, lines 3-10 and lines 20-31);

the receiver receiving the content of the first presentation and utilizing the content of the first presentation in accordance with having accepted the first announcement (automatically utilizing triggers and content after accepting the announcement; page 28, lines 12-41);

the sender sending a second ATVEF announcement (page 14, lines 8-18, page 28, lines 3-10 and lines 43-46) which includes the first identifying information (session ID identifying the announcement for a program but with a new version number; page 14, lines 8-18) and second non-identifying information (newer version number indicating a changed message to use; page 14, lines 8-18);

the sender sending the second content (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31); and

the receiver receiving the second content (page 28, lines 3-10 and lines 20-31) and utilizing the second content in accordance with having accepted the first announcement (wherein the client receiver is to utilize the newest version of the accepted announcement; page 14, lines 8-18).

As to claim 10, ATVEF discloses

the sender sending a trigger of the first presentation (page 28, lines 9-31);  
the receiver receiving the trigger of the first presentation (page 28, lines 20-31);  
and  
the utilizing by the receiver of the content of the first presentation is performed  
under control of the trigger of the first presentation (page 28, lines 20-41).

As to claim 11, ATVEF discloses  
the sender sending a second trigger (wherein each presentation has an  
associated trigger; page 28, lines 9-31);  
the receiver receiving the second trigger (page 28, lines 20-31); and  
the utilizing by the receiver of the second content is performed under control of  
the second trigger (page 28, lines 20-41).

As to claim 12, ATVEF discloses wherein the presentation is an ATVEF  
presentation (wherein the presentation is in accordance with the ATVEF specification;  
see page 4 at 1.1.2 Content Type Support).

As to claim 13, ATVEF discloses  
the receiver operating according to a first value of an operational characteristic  
upon receiving the first announcement (page 28, lines 12-18 and page 11, lines 49-55);  
and



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the receiver operating according to a second value of the operational characteristic upon receiving the second announcement (page 28, lines 12-18 and page 11, lines 49-55);

wherein the operational characteristic is selected from the group comprising, cache size (page 11, lines 49-55 and page 15, lines 38-44), expiration time (page 11, lines 49-55 and page 15, lines 50-57), and bandwidth (page 11, lines 49-55 and page 14, lines 27-32); and

wherein the first value of the operational characteristic is specified by the first non-identifying information (wherein the value is indicated within the announcement; page 28, lines 12-18 and page 11, lines 49-55), and the second value of the operational characteristic is specified by the second non-identifying information (wherein the value is indicated within the announcement; page 28, lines 12-18 and page 11, lines 49-55).

As to claim 19, ATVEF discloses

the sender including a first version identifier in the first announcement (page 14, lines 13-17); and

the sender including a second version identifier in the second announcement (newer version indicating the message has changed; page 14, lines 13-17);

the receiver utilizing the second content because,

the second announcement includes the same identifying information as the first announcement (session ID identifying the announcements as for the same program; page 14, lines 8-13), and

the second version identifier indicates that the second announcement supercedes the first announcement (indicating that the second announcement is an newer version of the first announcement already accepted announcement; page 14, line 13-17).

As to claim 20, ATVEF discloses a method of sending an ATVEF presentation comprising:

generating a first ATVEF announcement (wherein the announcements must be generated before transmission; page 3, line 22-29 and page 28, lines 3-10) including first identifying information (session ID identifying the announcement for a program; page 14, lines 8-13) and first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**);

sending the first ATVEF announcement (announcements broadcast to a client; page 28, lines 3-10);

sending a first ATVEF content item (page 28, lines 3-10 and lines 20-31) and a first ATVEF trigger item (page 28, lines 3-10 and lines 27-31);

generating a second ATVEF announcement (wherein the announcements must be generated before transmission; page 3, line 22-29 and page 28, lines 3-10) including the first identifying information (session ID identifying the announcement for a program but with a new version number; page 14, lines 8-18) and second non-identifying information (wherein the announcement includes information such as the start and end

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times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**);

sending the second ATVEF announcement (page 28, lines 3-10 and lines 43-46);  
and

sending a second ATVEF content item (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) and a second ATVEF trigger item (page 28, lines 48-50).

As to claim 21, ATVEF discloses wherein the first identifying information comprises a multicast address and port (page 13, lines 50-51, page 14, lines 1-5 and page 28, lines 7-10), and an ATVEF announcement identifier (sessionID; page 14, lines 8-18).

As to claim 22, while ATVEF discloses  
including in the first announcement a first version identifier (page 14, lines 13-17); and

including in the second announcement a second version identifier (newer version indicating the message has changed; page 14, lines 13-17), the second version identifier being greater than the first version identifier to cause a receiver to accept the second content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17).

As to claim 33, ATVEF discloses a method for a sender to preempt a receiver, the receiver configured to select between competing presentations based on an announcement stream containing announcements which provide identifying information about each of the data streams (page 28, lines 3-10 and lines 43-46), the method comprising the sender:

sending in the announcement stream a first announcement (announcements broadcast to a client; page 28, lines 3-10) including the first identifying information (session ID; page 14, lines 8-13);

sending a first presentation (page 28, lines 3-10 and lines 20-31) which is associated by the first identifying information with the first announcement (page 14, lines 8-13 and page 28, lines 3-25);

copying the first identifying information into a second announcement (second announcement associated with the same show; page 14, lines 8-13, page 28, lines 3-10 and lines 43-46);

sending in the announcement stream the second announcement (page 28, lines 3-10 and lines 43-46); and

sending a second presentation (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) which is associated by the first identifying information with the second announcement (page 14, lines 8-13 and page 28, lines 3-25).

As to claim 34, ATVEF discloses including in the first announcement first non-identifying information (version number; page 14, lines 13-17);

Including in the second announcement second non-identifying information which is not identical to the first non-identifying information (new message having a higher version number; page 14, lines 13-17).

As to claim 35, ATVEF discloses wherein the receiver is further configured to watch for announcements having a same identifying information as that of a prior announcement for an already-accepted presentation and to accept and utilize such announcements if they bear a version identifier greater than that of the prior announcement (wherein the receiver matches a new version message to a previous message and is to use the newest version; page 14, lines 13-17), the method further comprising the sender:

including in the first announcement a first version identifier (version; page 14, lines 13-17); and

including in the second announcement a second version identifier greater than the first version identifier (new message having a higher version number; page 14, lines 13-17).

As to claim 36, ATVEF discloses the sender:

sending a plurality of variants of the first announcement (wherein each enhancement can include multiple alternatives; page 16, lines 9-15);

sending a plurality of variants of the first presentation, each corresponding to a respective variant of the first announcement (page 16, lines 9-15);

sending a plurality of variants of the second announcement (wherein each enhancement can include multiple alternatives; page 16, lines 9-15); and

sending a plurality of variants of the second presentation, each corresponding to a respective variant of the second announcement (page 16, lines 9-15).

As to claim 37, ATVEF discloses wherein variants of a presentation differ in their required transmission bandwidth (b=CT:number; page 14, lines 27-32).

As to claim 38, ATVEF discloses wherein variants of a presentation differ in their language (page 16, lines 9-15).

As to claim 39, ATVEF discloses wherein variants of a presentation differ in their cache size requirement (page 11, lines 49-53).

As to claim 40, ATVEF discloses wherein the presentations comprise audio content (page 19, lines 46-52).

As to claim 41, ATVEF discloses wherein the presentations further comprise video content (page 19, lines 32-38).

As to claim 42, ATVEF discloses wherein:

the announcements comprise ATVEF announcements (wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the presentations comprise ATVEF presentations (wherein the presentations are content in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support).

As to claim 43, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 1 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28 and as addressed in the rejection of claim 1 above).

As to claim 44, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 8 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28, page 14, lines 13-17, and as addressed in the rejection of claim 8 above).

As to claim 45, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 9 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28 and as addressed in the rejection of claim 9 above).

As to claim 46, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 19 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 14, lines 13-17 and as addressed in the rejection of claim 19 above).

As to claim 47, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 27-28), cause the machine to perform the method of claim 33 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and as addressed in the rejection of claim 33 above).



As to claim 48, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 35 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 14, lines 13-17 and as addressed in the rejection of claim 35 above).

As to claim 49, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 36 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 16, lines 9-15 and as addressed in the rejection of claim 36 above).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrade et al. (Andrade) (US 2002/0059644) in view of ATVEF specification (ATVEF) (v1.1 r26 published 02/02/99).

As to claim 25, while Andrade discloses an apparatus comprising:

a controller (Fig. 3; insertion server, 303b);

a generator (repository, 304a) coupled to the controller (see Fig. 3) and adapted generate content information (paragraph 39);

a content switch (multiplexor, 314) coupled to the controller (see Fig. 3) and having an input for receiving a first content item and a second content item (paragraph 38) and adapted to output the first and second content item (inserting the content into the broadcast signal; paragraph 38) under control of the controller (controlling when and how content is inserted; paragraph 40);

an output mechanism (312) coupled to the generator and the content switch (Fig. 3) for sending the first content and the second content (broadcast network transmitting the signals; paragraph 38),

he fails to specifically disclose generating first and second announcements including first identifying information, outputting the first content absent of a preemption control and the second content under preemption control and sending the first and second announcements.

In an analogous art, ATVEF discloses a method for adding content to television broadcasts (page 1) including generating a first announcement (announcements broadcast to a client; page 28, lines 3-10) including the first identifying information

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(session ID; page 14, lines 8-13) and a second announcement including the first identifying information (second announcement associated with the same show; page 14, lines 8-13, page 28, lines 3-10 and lines 43-46), outputting the first content absent of a preemption control (outputting the first instance of an announcement and content for a broadcast; page 14, lines 8-18 and page 28, lines 7-25) and the second content under preemption control (outputting a second higher version message which will supersede the first; page 14, lines 8-18 and page 28, lines 7-25) and sending the first and second announcements (page 28, lines 3-10 and lines 43-46) for the typical benefits of providing a means to successfully transmit enhanced content across any network to any ATVEF compliant receiver (page 1).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Andrade's system to include generating first and second announcements including first identifying information, outputting the first content absent of a preemption control and the second content under preemption control and sending the first and second announcements, as taught by ATVEF, for the typical benefits of complying with the ATVEF standard for providing a means to successfully transmit enhanced content across any network to any compliant receiver, as desired by Andrade (see Andrade at paragraph 19).

As to claim 26, Andrade and ATVEF disclose  
a trigger switch (multiplexor, 314) coupled to the preemption controller (see Andrade at Fig. 3) and having an input for receiving a first switch item and a second

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switch item (see Andrade at paragraph 38) and adapted to output the first switch item absent control of the preemption controller (outputting the first instance of an announcement, trigger and content for a broadcast; see ATVEF at page 14, lines 8-18 and page 28, lines 7-25), and to output the second switch item under control of the preemption controller (outputting a second higher version message which will supersede the first; see ATVEF at page 14, lines 8-18 and page 28, lines 7-25); and

wherein the output mechanism is further coupled to the trigger switch for sending the first trigger item and the second trigger item (see Andrade at paragraph 38).

As to claim 27, Andrade and ATVEF disclose

a content store (repository, 304a) coupled to the input of the content switch (see Andrade at Fig. 3) to provide the first and second content items (see Andrade at paragraph 39); and

a trigger store (repository, 304a) coupled to the input of the trigger switch (see Andrade at Fig. 3) to provide the first and second trigger items (see Andrade at paragraph 39).

As to claim 28, Andrade and ATVEF disclose

an A/V store and sender (video server, 316) coupled to provide audio/visual content to be sent by the output mechanism (see Andrade at Fig. 3 and paragraph 36).

As to claim 29, Andrade and ATVEF disclose the apparatus comprises an ATVEF sender (sending ATVEF; see Andrade at paragraph 19), the first and second trigger items comprise ATVEF triggers (ATVEF triggers; see Andrade at paragraph 19), the first and second content items comprise ATVEF content (ATVEF content; see Andrade at paragraph 19), and the announcements comprise ATVEF announcements (ATVEF defined announcements required for ATVEF presentations; see ATVEF at page 13, lines 50-51 and page 14, lines 1-5).

As to claim 30, Andrade and ATVEF disclose wherein the first identifying information comprises a multicast port and address (see ATVEF at page 13, lines 50-51, page 14, lines 1-5 and page 28, lines 7-10).

As to claim 31, Andrade and ATVEF disclose wherein the first identifying information further comprises additional identifying information which associates the first announcement with the first trigger item and the first content item (see ATVEF at page 14, lines 8-13 and page 28, lines 3-25).

As to claim 32, Andrade and ATVEF disclose wherein the first announcement further comprises non-identifying information (wherein each announcement includes a version number; page 14, lines 8-18), and the second announcement further comprises non-identifying information (newer version number indicating a change in the message; page 14, lines 8-18), wherein at least a subset of the non-identifying information of the

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second announcement is different than a corresponding subset of the non-identifying information of the first announcement (wherein the second announcement has a different version number indicating the message has changed; page 14, lines 8-18).

5. Claims 14, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ATVEF.

As to claims 14 and 23, while ATVEF discloses the sender sending an additional ATVEF announcement (page 14, lines 8-18, page 28, lines 3-10 and lines 43-46) which includes the first identifying information (session ID identifying the announcement for a program but with a new version number; page 14, lines 8-18) and non-identifying information (newer version number indicating a changed message to use; page 14, lines 8-18);

the sender sending additional content (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31); and

the receiver receiving the additional content (page 28, lines 3-10 and lines 20-31) and utilizing the additional content in accordance with having accepted the first announcement (wherein the client receiver is to utilize the newest version of the accepted announcement; page 14, lines 8-18), it fails to specifically disclose a third announcement and content.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention for a plurality of versions of software to be created, such as three

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or more, as new additions and updates are made, for the typical benefit of ensuring that provided software content is as up-to-date and current as possible.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include a third announcement and third content for the typical benefit of ensuring that subscribers are receiving the most up-to-date and current content.

As to claim 24, ATVEF discloses

including in the first ATVEF announcement a first version identifier (page 14, lines 8-18);

including in the second ATVEF announcement a second version identifier indicating that the second ATVEF announcement supercedes the first ATVEF announcement (newer version indicating the message has changed; page 14, lines 8-18); and

including in the third ATVEF announcement a third version identifier indicating that the second ATVEF announcement supercedes the second ATVEF announcement (newest version indicating the message has changed; page 14, lines 8-18).

6. Claim 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ATVEF as applied to claims 9 and 14 above, and further in view of Butler et al. (Butler) (US2002/0007493).

As to claim 15, while ATVEF discloses first, second and third content and the receiver utilizing the third content, it fails to specifically disclose upon the third content ending, returning to utilizing the previous content.

In an analogous art, Butler discloses a digital receiver (Fig. 2, 14; paragraph 19 and 24) which will receive supplemental content with the broadcast signal (paragraph 28) presented in overlay windows (paragraph 44) and wherein a new overlay will temporarily overwrite a regular overlay (paragraph 49) and upon completion of the new overlay the previous overlays are restored (paragraph 49) for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message (paragraph 49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to include upon the content ending, returning to utilizing the previous content, as taught by Butler, for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message.

As to claim 16, while ATVEF discloses utilizing the second content, it fails to specifically disclose upon the second content ending, returning to utilizing the first content.

In an analogous art, Butler discloses a digital receiver (Fig. 2, 14; paragraph 19 and 24) which will receive supplemental content with the broadcast signal (paragraph 28) presented in overlay windows (paragraph 44) and wherein a new overlay will temporarily overwrite a regular overlay (paragraph 49) and upon completion of the new



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overlay the previous overlays are restored (paragraph 49) for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message (paragraph 49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to include upon the second content ending, returning to utilizing the first content, as taught by Butler, for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message.

As to claim 17, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose wherein the receiver returns to a point at which the first content was interrupted.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by either returning to the point where the content was interrupted for the typical benefit of either ensuring that the viewer doesn't miss any of their desired content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include wherein the receiver returns to a point at which the first content was interrupted for the typical benefit of ensuring that the viewer doesn't miss any of their desired content.

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As to claim 18, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose As to claim 17, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose wherein the receiver returns to a point at which the first content would have been had the receiver not utilized the second content.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by returning to the content at the current point in time for the typical benefit of ensuring that only the current relevant content is displayed to the user.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include wherein the receiver returns to a point at which the first content was interrupted for the typical benefit of either ensuring that the viewer doesn't miss any of their desired content.

### ***Conclusion***

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_.  
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)\_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
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JS



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